

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Curtis Dale Richardson,)	
)	C.A. No.: 4:08-02597
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Department of Corrections,)	
Willie Eagleton, Captain Rogers,)	
Robin Chavis, individually and officially,)	
)	
Defendants.)	
)	

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C.

§ 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

The Plaintiff filed no objections to the Report and Recommendation. In fact, the order granting him an extension of time to file objections was returned as undeliverable. Plaintiff has not provided the court with an updated address as required by the order of August 7, 2008,

and, as a result, the court has no means of contacting him concerning his case. Plaintiff was warned and advised in the order to keep the Clerk apprised of his current address and that a failure to do so may result in a dismissal of the case. Accordingly, this action is due to be dismissed pursuant to Fed. R. Civ. P. 41(b). Furthermore, in the absence of objections to the Report and Recommendation of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Rogers' Report and Recommendation and incorporates it herein. It is therefore

ORDERED that the defendants' Motion to Dismiss or in the alternative for Summary Judgment is granted and this case dismissed with prejudice on the merits and also pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/ R. Bryan Harwell
R. Bryan Harwell
United States District Judge

Florence, South Carolina
September 8, 2009